COMMISSION REGULATION (EEC) No 1317/93

of 28 May 1993

amending Regulation (EEC) No 1767/82 laying down detailed rules for applying specific import levies on certain milk products, particularly with a view to the application of the Bilateral Agreements on agriculture concluded between the Community, of the one part, and Austria, Finland, Iceland, Norway and Sweden, of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1108/93 of 4 May 1993 concerning certain detailed rules for the application of the Bilateral Agreements on agriculture concluded between the Community, of the one part, and Austria, Finland, Iceland, Norway and Sweden, of the other part (1), and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (2), as last amended by Regulation (EEC) No 2071/92 (3), and in particular Article 14 (7) thereof,

Whereas the Community has signed, in parallel with the agreement on the European Economic Area, agreements with Austria, Finland, Iceland, Norway and Sweden; whereas the agreements cover arrangements for the two-way trade in cheese with Austria, Finland, Norway and Sweden; whereas the arrangements provide for the opening of annual reduced-levy tariff quotas for certain cheeses originating in those countries; whereas the arrangements with Austria, Finland and Norway replace previous arrangements for the two-way trade in cheeses concluded with those countries; whereas the new arrangements with the latter countries necessitate adjustments to Commission Regulation (EEC) No 1767/82 laying down detailed rules for applying specific import levies on certain milk products (4), as last amended by Regulation (EEC) No 3648/92 (5);

Whereas the Community has undertaken to apply the said Bilateral Agreements on agriculture from 15 April 1993; whereas the arrangements provide for the quantities to be adjusted *pro rata temporis* for 1993; whereas it is also necessary to ensure a smooth transition in 1993 from the old arrangements for the two-way trade in cheese with Austria, Finland and Norway to the new arrangements with those countries; whereas that transition necessitates the inclusion of quantities already imported in 1993 under the old arrangements in the determination of the overall quantities eligible for Community concessions in 1993; whereas the calculation method to be used for that purpose should be the following: the quantities for 1993, adjusted *pro rata temporis*, eligible under the old arrangements, should be added to the quantities, adjusted *pro rata temporis*, provided for 1993 under the new arrangements, the total being then be adjusted by any difference between the quantities actually imported under the old arrangements in 1993 and the quantities, adjusted *pro rata temporis*, eligible under the old arrangements in 1993;

Whereas, in addition, the description of the agency issuing IMA 1 certificates in Austria should be amended and certain other technical adjustments should be made to Regulation (EEC) No 1767/82;

Whereas, by Council Regulation (EEC) No 3813/92 of 18 December 1993 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (6), the Council abolished the system of monetary compensatory amounts; whereas, therefore, it is necessary to delete Article 8 of Regulation (EEC) No 1767/82;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1767/82 is hereby amended as follows:

1. Article 8 is deleted.

2. Annex I is replaced by the Annex to this Regulation.

(1) OJ No L 113, 7. 5. 1993, p. 1.
(2) OJ No L 148, 28. 6. 1968, p. 13.
(3) OJ No L 215, 30. 7. 1992, p. 64.
(4) OJ No L 196, 5. 7. 1982, p. 1.
(5) OJ No L 369, 18. 12. 1992, p. 15.
(6) OJ No L 387, 31. 12. 1992, p. 1.

3. In Annex III:

— in the introductory wording of point D, sub-heading 'ex 0406 30' is replaced by 'ex 0406 30 10',

— point D 3 is deleted,

— point D.5 is replaced by the following:
'Box 15: in the case of products originating in Austria, Finland or Norway, however, box 15 need not be completed,'

— in the introductory wording of point I, letter (t) and the words 'Turunmaa or Lappi cheese' are deleted,

— in point I, 1, the words 'Turunmaa cheese' or 'Lappi cheese' are deleted,

— points M, N, O and P are deleted.

4. In Annex IV the headings 'Austria' and 'Finland' are replaced by the following:

'Austria	0406 0406 30	Cheese Processed cheese	Zentrale des Milchwirtschaftsfonds A-1013 Wien Wipplingerstrasse 30	Vienna
Finland	0406	Cheese	Valtion Maitovalmisteiden Tarkastuslaitos	Helsinki'

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 15 April 1993.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 May 1993.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

'ANNEX I

	CN code	Description	Country of origin	Import levy in ECU per 100 kg net weight
(a)	0402 29 11 ex 0404 90 53 ex 0404 90 93	Special milk, for infants (1), in hermetically sealed containers of a net content not exceeding 500 g, of a fat content by weight exceeding 10 % and not exceeding 27 %	Switzerland	36,27
(b)	0406 20 10 0406 90 19	Glaris herb cheese (known as Schabziger) produced from skimmed milk with the addition of finely ground herbs	Switzerland	6 % of the customs value
(c)	ex 0406 90 13 ex 0406 90 15 ex 0406 90 17	Emmental, Gruyère, Sbrinz, Appenzell, Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine, of a minimum fat content of 45 % by weight in the dry matter, matured for at least 18 days in the case of Vacherin Mont d'Or, at least two months in the case of Fromage Fribourgeois and at least three months in the case of the others : — Whole cheese with rind (2) (a), of a free-at-frontier value (3) of at least ECU 348,56 and not more than ECU 372,70 per 100 kg net weight — Pieces packed in vacuum or in inert gas (4), with rind (2) (a) on at least one side, of a net weight of at least 1 kg and less than 5 kg and of a free-at-frontier value (3) not less than ECU 372,70 and less than ECU 396,84 per 100 kg net weight	Switzerland	18,13
(d)	ex 0406 90 13 ex 0406 90 15 ex 0406 90 17	Emmental, Gruyère, Sbrinz, Appenzell, Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine, of a minimum fat content of 45 % by weight in the dry matter, matured for at least 18 days in the case of Vacherin Mont d'Or, at least two months in the case of Fromage Fribourgeois, and at least three months in the case of the others : — Whole cheeses with rind (2) (a), of a free-at-frontier value (3) not less than ECU 372,70 per 100 kg net weight — Pieces packed in vaccum or in inert gas (4), with rind (2) (a) on at least one side, of a net weight of not less than 1 kg and a free-at-frontier value (3) not less than ECU 396,84 per 100 kg net weight — Pieces packed in vacuum or in inert gas (4), of a net weight not more than 450 g and a free-at-frontier value (3) not less than ECU 430,63 per 100 kg net weight	Switzerland	9,07
(e)	0406	All cheeses subject to an annual quota of 9 850 tonnes originating in Finland (6)	Finland	18,00
(f)	ex 0406	Cheeses other than processed subject to an overall annual tariff quota of 13 950 tonnes originating in Austria (6)	Austria	exempt
(g)	ex 0406 90 21	Cheddar, made from unpasteurized milk, of a minimum fat content of 50 % by weight in the dry matter, matured for a least nine months, of a free-at-frontier value (3) per 100 kg net weight of not less than : — ECU 282,67 in the case of whole cheeses (2) (b) — ECU 300,78 in the case of cheeses of a net weight of not less than 500 g — ECU 312,84 in the case of cheeses of a net weight less than 500 g subject to an annual tariff quota of 2 750 tonnes	Canada	12,09

	CN code	Description	Country of origin	Import levy in ECU per 100 kg net weight
(h)	ex 0406 90 21	Whole cheddar cheeses (2) (a), of a minimum fat content of 50 % by weight in the dry matter, matured for at least three months, subject to an annual tariff quota of 9 000 tonnes, 6 500 tonnes of which originating in New Zealand and 2 500 tonnes of which originating in Australia	Australia New Zealand	15,00
(i)	0406 90 11	— Cheddar, and — Other cheeses intended for processing, subject to an annual tariff quota of 3 500 tonnes, 3 000 tonnes of which originating in New Zealand and 500 tonnes of which originating in Australia	Australia New Zealand	15,00
(j)	ex 0406 30 10	Processed cheese, not grated or powdered, in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger), put up for retail sale (5); of a free-at-frontier value (3) not less than ECU 242,58 per 100 kg net weight and of a fat content not exceeding 56 % by weight in the dry matter	Switzerland	36,27
(l)	0406 30	Processed cheese, not grated or powdered, subject to an annual tariff quota of 3 750 tonnes, originating in Austria (6)	Austria	exempt
(m)	ex 0406 90 25	Tilsit, of a fat content not exceeding 48 % by weight in the dry matter	Romania Switzerland	67,71
(n)	ex 0406 90 25	Tilsit, of a fat content exceeding 48 % by weight in the dry matter	Romania Switzerland	91,89
(o)	ex 0406 90 29	Kashkoval, made exclusively from sheep's milk matured for at least two months, of a minimum fat content of 45 % in the dry matter and a minimum dry matter content of 58 %, put up in forms not exceeding 10 kg, whether wrapped in plastic or not	Bulgaria Cyprus Hungary Israel Romania Turkey Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia	55,64
(p)	0406 90 31 0406 90 50	Cheeses made exclusively from sheep's milk or buffalo milk, in containers containing brine, or in sheepskin or goatskin bottles	Bulgaria Cyprus Hungary Israel Romania Turkey Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia	55,64

CN code	Description	Country of origin	Import levy in ECU per 100 kg net weight
(s) ex 0406 90 39 ex 0406 90 89	— Jarisberg, of a minimum fat content of 45 % by weight in the dry matter, and of a minimum dry matter content of 56 %, matured for at least three months : — whole with rind, from 8 to 12 kg — in rectangular blocks of a net weight not exceeding 7 kg (4) — in pieces packed in vacuum or in inert gas, of a net weight exceeding 150 g and not exceeding 1 kg (4) — Ridder, of a minimum fat content of 60 % by weight in the dry matter and matured for at least four weeks : — whole with rind, from 1 to 2 kg — in pieces packed in vacuum or in inert gas, with rind on at least one side, of a net weight of at least 150 g (4), originating in Norway, subject to a annual tariff quota of 2 200 tonnes (6)	Norway	55,00
(u) ex 0406 90 89	Tulum Peyniri, made from sheep's milk or buffalo milk, in individual plastic packings of a content not exceeding 10 kg	Turkey	55,64
(v) ex 0406 90 50 ex 0406 90 89	Halloumi	Cyprus	22,88

(1) Special milk for infants means products free from pathogenic germs and which have fewer than 10 000 revivifiable aerobic bacteria and fewer than two coliform bacteria per gramme.

(2) (a) "Whole cheeses, with rind" means whole cheeses of the following net weights :

— Emmental :	not less than 60 kg but not more than 130 kg inclusive ;
— Gruyère :	not less than 20 kg but not more than 45 kg inclusive ;
— Sbrinz :	not less than 20 kg but not more than 50 kg inclusive ;
— Bergkäse :	not less than 20 kg but not more than 60 kg inclusive ;
— Appenzell :	not less than 6 kg but not more than 8 kg inclusive ;
— Fromage Fribourgeois :	not less than 6 kg but not more than 10 kg inclusive ;
— Tête de Moine :	not less than 0,700 kg but not more than 4 kg inclusive ;
— Vacherin Mont d'Or :	not less than 0,400 kg but not more than 3 kg inclusive ;

For the purposes of these provisions, "rind" is defined as follows :

"The rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour".

(b) "Whole cheddar cheeses" means :

— whole cheeses of a net weight of not less than 33 kg but not more than 44 kg inclusive,

— cubic blocks or parallelepipeds of cheese of a net weight of not less than 10 kg.

(3) "Free-at-frontier value" means the free-at-frontier price or fob price in the country of exportation, plus an amount, where appropriate, for delivery and insurance costs to the customs territory of the Community.

(4) The concession shall apply to rectangular blocks or pieces packed in vacuum or in inert gas provided that the packagings of such goods bear at least the following particulars :

— the name of the cheese,

— the fat content by weight in the dry matter,

— the packer responsible,

— the country of origin of the cheese.

(5) The expression "put up for retail sale" shall be taken to apply to cheese put up in immediate packings of a net weight not exceeding 1 kg containing portions or slices of an individual net weight not exceeding 100 g.

(6) For 1993 the overall annual quantities provided for under the arrangements shall be defined as follows :

$W = [X \times 8,5/12] - [Z - (Y \times 3,5/12)]$

where :

W is the actual quota to be opened on 15 April ;

X is the annual quota under the Oporto agreement ;

Y is the annual quota under the previous arrangement and opened on 1 January ;

Z is the quantity to be imported under Y up to 15 April.'